

Declaration for Patent Application

Docket Number: 1909.0020002/JAG/CMB

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled: Host Cells Expressing Recombinant Human Erythropoietin,

the specification of which is attached hereto unless the following box is checked:

- ☒ was filed on May 3, 2001;
as United States Application Number 09/830,967; and
was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56, including for continuation-in-part applications, material information that became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application, which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

P98 01 05609
(Application No.)

Argentina
(Country)

6 November 1998
(Day/Month/Year Filed)

☒ Yes ☐ No

P99 01 00679
(Application No.)

Argentina
(Country)

23 February 1999
(Day/Month/Year Filed)

☒ Yes ☐ No

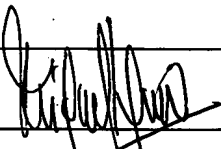
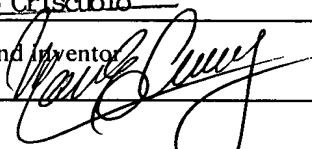
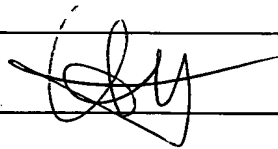
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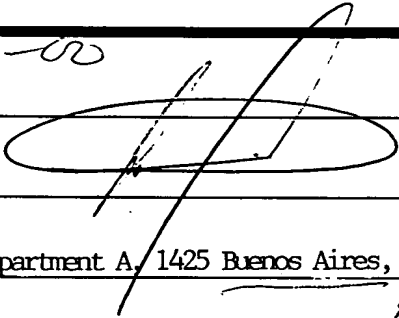
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934

Direct Telephone Calls to:

(202) 371-2600

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1-60 Full name of sole or first inventor <u>Carlos Miguel Carcagno</u>	
Signature of sole or first inventor ✓ 	Date ✓ 19/11/2001
Residence <u>Guevara 561 - 1427 Capital Federal, Argentina</u>	
Citizenship <u>Argentina</u> ARX	
Mailing Address same as above	
2-00 Full name of second inventor <u>Marcelo Eduardo Criscuolo</u>	
Signature of second inventor ✓ 	Date ✓ 09/11/2001
Residence <u>Guevara 349 - 1427 Capital Federal, Argentina</u>	
Citizenship <u>Argentina</u> ARX	
Mailing Address same as above	
3-00 Full name of third inventor <u>Carlos Alberto Melo</u>	
Signature of third inventor ✓ 	Date ✓ 04/SEP/01
Residence <u>Club de campo Pueyrredón, Panamericana Km 49 Cód 1629 -Pilar - Buenos Aires, Argentina</u>	
Citizenship <u>Argentina</u> ARX	
Mailing Address same as above	

Full name of fourth inventor <u>Juan Alejandro Vidal</u>	
Signature of fourth inventor 	Date ✓ 09/24/01
Residence Guise 1760, 9th Floor, Apartment A, 1425 Buenos Aires, Argentina	
Citizenship Argentina <u>ARX</u>	
Mailing Address same as above	

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(Supply similar information and signature for subsequent joint inventors, if any)

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POWER OF ATTORNEY FROM ASSIGNEE WITH DELEGATION

29021

Sterrenbeld Biotechnologie North America, Inc., a corporation of Delaware, having a principal place of business at 1209mOrange Street, Wilmington, Delaware 19801, is assignee of the entire right, title, and interest for the United States of America (as defined in 35 U.S.C. §100), by reason of an Assignment to the Assignee executed on Sept 19, 11, 4, 24, 2001 respectively of an invention known as Host Cells Expressing Recombinant Human Erythropoietin (Attorney Docket No. 1909.0020002/JAG/CMB), which is disclosed and claimed in a patent application of the same title by the inventors Carlos M. Carcagno, Marcelo Criscuolo, Carlos Melo and Juan A. Vidal (said application filed on May 3, 2001 at the U.S. Patent and Trademark Office, having Application Number 09/830,967).

The Assignee hereby appoint the U.S. attorneys associated with **CUSTOMER NUMBER 28393** to prosecute this application and any continuation, divisional, continuation-in-part, or reissue application thereof, and to transact all business in the U.S. Patent and Trademark Office connected therewith, such attorneys currently being: Robert Greene Sterne, Registration No. 28,912; Edward J. Kessler, Registration No. 25,688; Jorge A. Goldstein, Registration No. 29,021; David K.S. Cornwell, Registration No. 31,944; Robert W. Esmond, Registration No. 32,893; Tracy-Gene G. Durkin, Registration No. 32,831; Michele A. Cimbala, Registration No. 33,851; Michael B. Ray, Registration No. 33,997; Robert E. Sokohl, Registration No. 36,013; Eric K. Steffe, Registration No. 36,688; Michael Q. Lee, Registration No. 35,239; Steven R. Ludwig, Registration No. 36,203; John M. Covert, Registration No. 38,759; and Linda E. Alcorn, Registration No. 39,588. The Assignee hereby grants said attorneys the power to insert on this Power of Attorney any further identification that may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office.

The Assignee hereby authorizes the U.S. attorneys named herein to accept and follow instructions from Bio Sidus S.A.

as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and the Assignee. In the event of a change in the persons from whom instructions may be taken, the U.S. attorneys named herein will be so notified by the Assignee.

Send correspondence to:

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934
U.S.A.

Direct phone calls to 202-371-2600.

FOR: Sterrenbeld Biotechnologie North America, Inc.

SIGNATURE: ✓

BY: ✓

Marcelo L. Argielles

TITLE: ✓

President

DATE: ✓

October 3, 2001

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Certificate Under 37 C.F.R. § 3.73(b)

Applicant: Carcagno et al.

Appl. No.: 09/830,967 (which is the U.S. National Phase of PCT/US99/26238) 35 U.S.C. § 371 Date: May 3, 2001

Entitled: Host Cells Expressing Recombinant Human Erythropoietin

Sterrenbeld Biotechnologie North America, Inc., a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest, or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An Assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel to be recorded, Frame to be recorded, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s) of the patent application/patent identified above to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (*i.e.*, the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Date: ☒ October 3, 2001

Name: ☒ Marcelo L. Argiëlles

Title: ☒ President

Signature: ☒ 

ASSIGNMENT

In consideration of the sum of One Dollar (\$1.00) or equivalent and other good and valuable consideration paid to each of the undersigned inventors: Carlos M. Carcagno, Marcelo Criscuolo, Carlos Melo and Juan A. Vidal, the undersigned inventors hereby sell and assign to Sterrenbeld Biotechnologie North America, Inc. (the Assignee) his/her entire right, title and interest, including the right to sue for past infringement and to collect for all past, present and future damages:

check applicable box(es) ☒ for the United States of America (as defined in 35 U.S.C. § 100),
☒ and throughout the world,

29,04
(a) in the invention(s) known as Host Cells Expressing Recombinant Human Erythropoietin for which application(s) for patent in the United States of America has (have) been executed by the undersigned on 1) Sept 19 2) Sept 11 3) Sept 4 4) Sept 24, 2001 also known as United States Application No. 09/830,967, filed May 3, 2001, which is the U.S. National Phase of PCT/US99/26238, International Filing Date 8 November 1999 in any and all applications thereon, in any and all Letters Patent(s) therefor, and

(b) in any and all applications that claim the benefit of the patent application listed above in part (a), including continuing applications, reissues, extensions, renewals and reexaminations of the patent application or Letters Patent therefor listed above in part (a), to the full extent of the term or terms for which Letters Patents issue, and

(c) in any and all inventions described in the patent application listed above in part (a), and in any and all forms of intellectual and industrial property protection derivable from such patent application, and that are derivable from any and all continuing applications, reissues, extensions, renewals and reexaminations of such patent application, including, without limitation, patents, applications; utility models, inventor's certificates, and designs together with the right to file applications therefor; and including the right to claim the same priority rights from any previously filed applications under the International Agreement for the Protection of Industrial Property, or any other international agreement, or the domestic laws of the country in which any such application is filed, as may be applicable;

all such rights, title and interest to be held and enjoyed by the above-named Assignee, its successors, legal representatives and assigns to the same extent as all such rights, title and interest would have been held and enjoyed by the Assignor had this assignment and sale not been made.

The undersigned inventors agree to execute all papers necessary in connection with the application(s) and any continuing (continuation, divisional, or continuation-in-part), reissue, reexamination or corresponding application(s) thereof and also to execute separate assignments in connection with such application(s) as the Assignee may deem necessary or expedient.

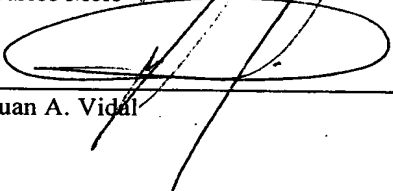
The undersigned inventors agree to execute all papers necessary in connection with any interference or patent enforcement action (judicial or otherwise) related to the application(s) or any continuing (continuation, divisional, or continuation-in-part), reissue or reexamination application(s) thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference or patent enforcement action.

The undersigned inventors hereby represent that they have full right to convey the entire interest herein assigned, and that they have not executed, and will not execute, any agreement in conflict therewith.

The undersigned inventors hereby grant Robert Greene Sterne, Esquire, Registration No. 28,912; Edward J. Kessler, Esquire, Registration No. 25,688; Jorge A. Goldstein, Esquire, Registration No. 29,021; David K.S. Cornwell, Esquire, Registration No. 31,944; Robert W. Esmond, Esquire, Registration No. 32,893; Tracy-Gene G.

Durkin, Esquire, Registration No. 32,831; Michele A. Cimbala, Esquire, Registration No. 33,851; Michael B. Ray, Esquire, Registration No. 33,997; Robert E. Sokohl, Esquire, Registration No. 36,013; Eric K. Steffe, Esquire, Registration No. 36,688; Michael Q. Lee, Esquire, Registration No. 35,239; Steven R. Ludwig, Esquire, Registration No. 36,203; John M. Covert, Esquire, Registration No. 38,759; and Linda E. Alcorn, Esquire, Registration No. 39,588; all of STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C., 1100 New York Avenue, N.W., Suite 600, Washington, D.C. 20005-3934, power to insert in this assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREOF, executed by the undersigned inventors on the date opposite his/her name.

Date: ✓ 18/SEP/2001	Signature of Inventor: ✓  Carlos M. Carcagno
Date: ✓ 09/11/2001	Signature of Inventor: ✓  Marcelo Criscuolo
Date: ✓ 04/SEP/01	Signature of Inventor: ✓  Carlos Melo
Date: ✓ 09/24/01	Signature of Inventor: ✓  Juan A. Vidal

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